

EXHIBIT 27

EXHIBIT 27

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
Case No. 17-cv-00939-WHA

-----x
WAYMO LLC,
Plaintiff,
- against -
UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;
OTTO TRUCKING LLC,
Defendants.
-----x

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Videotaped 30(b)(6) Deposition
of GARY BROWN, taken by Defendants, held
at the offices of Morrison & Foerster LLP,
250 West 55th Street, at 9:59 a.m. on August
8, 2017, New York, New York, before Jineen
Pavesi, a Registered Professional Reporter,
Registered Merit Reporter, Certified Realtime
Reporter and Notary Public of the State of New York.

Job No. 2671217A
Pages 1 - 305

Page 1

1 SVN log in the ordinary course of 10:51:23AM
2 business, is that correct? 10:51:25AM
3 MR. BAKER: Objection to form. 10:51:29AM
4 A. That is correct. 10:51:31AM
5 Q. So as part of Waymo's 10:51:34AM
6 investigation, someone gave you a copy of 10:51:35AM
7 the SVN log, is that correct? 10:51:37AM
8 A. That is correct. 10:51:41AM
9 Q. And that person, the person who 10:51:44AM
10 gave you a copy of the SVN log was 10:51:46AM
11 Mr. Jack Brown, correct? 10:51:49AM
12 A. No. 10:51:53AM
13 Q. Who gave you a copy of the SVN 10:51:54AM
14 log? 10:51:56AM
15 MR. BAKER: I am going to 10:52:00AM
16 caution the witness not to reveal the 10:52:00AM
17 substance of any attorney-client 10:52:03AM
18 communication, but you can give a name. 10:52:04AM
19 A. Tom Gorman. 10:52:07AM
20 Q. When did Mr. Gorman give you 10:52:08AM
21 the SVN log? 10:52:10AM
22 MR. BAKER: You can give a 10:52:11AM
23 date. 10:52:12AM
24 A. February 21st, 20th or 21st, 10:52:13AM
25 2017. 10:52:25AM

1 any other person's activity -- strike 11:05:42AM
2 that. 11:05:46AM
3 Did the log contain records of 11:05:46AM
4 activity from somebody other than 11:05:51AM
5 Mr. Levandowski? 11:05:53AM
6 A. I believe so. 11:06:00AM
7 Q. What other activity did the log 11:06:04AM
8 reflect? 11:06:08AM
9 MR. BAKER: And I don't want 11:06:15AM
10 you to reveal the substance of any 11:06:15AM
11 attorney-client communications. 11:06:17AM
12 THE WITNESS: Sure. 11:06:20AM
13 A. My focus was one user's 11:06:20AM
14 activity, I was not looking for other 11:06:24AM
15 users' activity, that was not the task at 11:06:26AM
16 hand. 11:06:29AM
17 Q. How do you know that the log 11:06:32AM
18 contained records of activity from 11:06:34AM
19 somebody other than Mr. Levandowski? 11:06:36AM
20 A. I believe I saw lines floating 11:06:40AM
21 by when I cat or catenate the contents 11:06:42AM
22 into a terminal, but from then on it was 11:06:53AM
23 solely we call grep-ing, focusing on 11:06:57AM
24 single user's activity, and then I think 11:07:00AM
25 awking, which is another tool, to sum up, 11:07:10AM

1 retired or refurbished and redeployed if 12:15:37PM
2 deemed still within its life span. 12:15:44PM
3 Q. Waymo performed no forensic 12:15:51PM
4 investigation into the Hewlett-Packard 12:15:52PM
5 workstation assigned to Mr. Levandowski 12:15:55PM
6 for an over three-year period during his 12:15:58PM
7 employment at Waymo, is that correct? 12:16:00PM
8 MR. BAKER: Objection to form. 12:16:02PM
9 A. That is correct. 12:16:07PM
10 Q. The Hewlett-Packard workstation 12:16:11PM
11 assigned to Mr. Levandowski from 2012 to 12:16:13PM
12 2016 is a computer -- is it a desktop 12:16:19PM
13 computer? 12:16:26PM
14 A. It appears to be, yes. 12:16:27PM
15 Q. And that would have existed in 12:16:28PM
16 his office at Waymo, right? 12:16:31PM
17 A. Presumably. 12:16:34PM
18 Q. And it would have been 12:16:35PM
19 something he used in the three-and-a-half 12:16:36PM
20 year period that it was assigned to him in 12:16:40PM
21 his office at Waymo, correct? 12:16:43PM
22 MR. BAKER: Objection to form. 12:16:44PM
23 A. Possibly, but not necessarily. 12:16:46PM
24 Q. But you don't know one way or 12:16:51PM
25 the other if he used it? 12:16:52PM

1	A.	No.	12:16:53PM
2	Q.	And nobody asked you to	12:16:54PM
3		inquire, to conduct a forensic review of	12:16:58PM
4		that device to determine if he did	12:17:00PM
5		anything improper with it, correct?	12:17:07PM
6	A.	That is correct, but with the	12:17:13PM
7		caveat that the lack of analysis of	12:17:17PM
8		another machine does not wash away the	12:17:22PM
9		wrongdoings on another machine, that's no	12:17:25PM
10		indication of not doing something.	12:17:28PM
11	Q.	In order to determine the full	12:17:35PM
12		scope of potential wrongdoing, in your	12:17:39PM
13		opinion should Waymo have conducted a	12:17:43PM
14		forensic investigation of the	12:17:46PM
15		Hewlett-Packard workstation?	12:17:47PM
16		MR. BAKER: Objection to form.	12:17:49PM
17	A.	All feasible rocks should be	12:17:57PM
18		turned over, but there have been multiple	12:18:02PM
19		occurrences where inventory management	12:18:07PM
20		personnel reimaged devices before forensic	12:18:12PM
21		analysis could take place.	12:18:18PM
22	Q.	And in your opinion, one	12:18:22PM
23		feasible rock that should have been turned	12:18:29PM
24		over was a review of the Hewlett-Packard	12:18:30PM
25		workstation assigned to Mr. Levandowski,	12:18:34PM

1 is that correct? 12:18:37PM

2 MR. BAKER: Objection to form. 12:18:37PM

3 A. As a forensic analyst, the more 12:18:42PM

4 information, the better. 12:18:44PM

5 But as I said before, it 12:18:47PM

6 doesn't undo other indicators that were 12:18:50PM

7 positively found. 12:18:55PM

8 Q. As a forensic analyst, wouldn't 12:19:02PM

9 you want to know if the card reader was 12:19:07PM

10 attached to the workstation? 12:19:09PM

11 MR. BAKER: Objection to form. 12:19:11PM

12 A. Yes. 12:19:18PM

13 Q. But you don't know the answer 12:19:19PM

14 to that question, right? 12:19:21PM

15 A. Not currently. 12:19:24PM

16 Q. Waymo would never know the 12:19:26PM

17 answer to that question, correct? 12:19:29PM

18 MR. BAKER: Objection to form. 12:19:31PM

19 A. That's uncertain. 12:19:43PM

20 Q. Why is that uncertain? 12:19:45PM

21 A. Depending on retention and host 12:19:50PM

22 monitoring agents, it could potentially be 12:20:00PM

23 determined whether some classes of USB 12:20:08PM

24 devices were connected to these machines, 12:20:12PM

25 but I also would not feel comfortable 12:20:16PM

1 saying that an absence of this evidence 12:20:19PM
2 means that it didn't happen. 12:20:22PM
3 Q. But you don't know one way or 12:20:25PM
4 the other if it happened? 12:20:27PM
5 A. As I sit here today, no. 12:20:28PM
6 MR. BAKER: Objection to form. 12:20:29PM
7 Q. Sorry, I didn't catch your 12:20:30PM
8 answer to that question. 12:20:31PM
9 A. As I sit here right now, no. 12:20:32PM
10 Q. And Waymo doesn't know one way 12:20:35PM
11 or the other if a card reader was attached 12:20:37PM
12 to the workstation, correct? 12:20:40PM
13 MR. BAKER: Same objection. 12:20:42PM
14 A. No. 12:20:43PM
15 Q. Has Waymo attempted to conduct 12:20:56PM
16 any forensic investigation into the 12:20:58PM
17 Hewlett-Packard workstation since it was 12:21:00PM
18 reassigned to Jerry Anderson? 12:21:04PM
19 A. I don't believe so. 12:21:13PM
20 Q. So -- 12:21:18PM
21 A. And also, so these machines are 12:21:19PM
22 full disk encrypted, that is to say, as 12:21:24PM
23 they are reimaged and redeployed there is 12:21:26PM
24 no evidence left on the hard drive, much 12:21:31PM
25 like when you take your Windows laptop and 12:21:33PM

1 Do you see that? 04:26:18PM

2 A. I do. 04:26:19PM

3 Q. Do you understand that to mean 04:26:21PM

4 that all the other SVN log data, except 04:26:24PM

5 for Mr. Levandowski's download of December 04:26:30PM

6 11, 2015, is gone? 04:26:34PM

7 MR. BAKER: Objection to form. 04:26:38PM

8 A. That's a distinct possibility. 04:26:42PM

9 And if it is true, then I also 04:26:45PM

10 misspoke earlier when I said that the log 04:26:47PM

11 probably contained other people's things, 04:26:52PM

12 too. 04:26:55PM

13 Q. So if Mr. Nardinelli's 04:26:57PM

14 statement is correct, your testimony on 04:26:59PM

15 behalf of Waymo was inaccurate, correct? 04:27:01PM

16 A. It is possible. 04:27:04PM

17 MR. BAKER: Objection to form. 04:27:05PM

18 A. Also, as a professional log 04:27:09PM

19 diver, I'll call myself, when we're doing 04:27:13PM

20 investigations, we don't keep things that 04:27:17PM

21 are not deemed explicitly relevant for 04:27:24PM

22 what we are trying to prove. 04:27:26PM

23 It is bad data stewardship, it 04:27:31PM

24 takes up space, and it makes noise. 04:27:34PM

25 Q. What were you asked to prove 04:27:36PM

1 here? 04:27:38PM

2 MR. BAKER: Objection, I am 04:27:39PM

3 going to caution you not to reveal the 04:27:43PM

4 substance of any attorney-client 04:27:44PM

5 communications. 04:27:46PM

6 If you can answer that question 04:27:46PM

7 without doing that, please do. 04:27:48PM

8 A. I did not pull the SVN log 04:27:52PM

9 data, I'm just speaking to the frame of 04:27:55PM

10 mind of why the entirety of all users' 04:27:56PM

11 logs may not be present. 04:28:04PM

12 For example, in what I've 04:28:05PM

13 produced to support my declaration, I'm 04:28:07PM

14 not pulling and presenting the bit9 logs 04:28:10PM

15 of any of a hundred thousand other Google 04:28:13PM

16 employees because it is simply not 04:28:16PM

17 relevant to the investigation at hand. 04:28:18PM

18 Q. That wasn't my question. 04:28:20PM

19 What were you being asked to 04:28:25PM

20 prove as part of your forensic 04:28:26PM

21 investigation? 04:28:27PM

22 MR. BAKER: Same instruction 04:28:27PM

23 and also objection to the form. 04:28:28PM

24 A. These logs showed that 14,000 04:28:33PM

25 files and change were downloaded on 04:28:36PM

1 December 11th from an IP address that 04:28:39PM
2 could be traced to Mr. Levandowski's work 04:28:42PM
3 computer. 04:28:44PM
4 Q. When were you asked to prove 04:28:44PM
5 that? 04:28:45PM
6 MR. BAKER: Objection to form. 04:28:50PM
7 A. Sometime between August and 04:28:51PM
8 October 2016. 04:28:53PM
9 Q. Why didn't you look at the SVN 04:28:57PM
10 log data when you were first engaged in 04:28:59PM
11 the investigation in February or March of 04:29:01PM
12 2015 -- sorry, of 2016? 04:29:02PM
13 A. I did not know it existed. 04:29:14PM
14 Q. Wouldn't it be important for 04:29:15PM
15 you as a person involved with incident 04:29:17PM
16 responses to know where the various data 04:29:18PM
17 repositories were? 04:29:20PM
18 MR. BAKER: Objection to form. 04:29:26PM
19 A. It would. 04:29:26PM
20 Q. Did you ask anybody are there 04:29:28PM
21 any unusual places people store important 04:29:29PM
22 information? 04:29:32PM
23 A. We did. 04:29:35PM
24 Q. And who did you talk to? 04:29:36PM
25 A. Various people that were in 04:29:46PM

1 record. 04:53:11PM
2 I think after the deck, started 04:53:12PM
3 doing things like this. 04:53:19PM
4 Q. Going back to the syslogs, are 04:53:24PM
5 syslogs available on the W and G laptops? 04:53:25PM
6 A. Both laptops you mean? 04:53:34PM
7 Q. Yes. 04:53:35PM
8 A. I'll reference 1312, you can 04:53:46PM
9 see in this timeline for the G laptop, we 04:53:54PM
10 do site syslogs multiple times, 16th of 04:53:57PM
11 October 2015, the 26th of January 2016, 04:54:02PM
12 31st of January 2016, and then for the O 04:54:07PM
13 laptop, Windows does not write to the same 04:54:13PM
14 syslog sources -- 04:54:15PM
15 Q. So the answer is yes, that 04:54:20PM
16 there are some indications of syslogs? 04:54:22PM
17 A. Yes. 04:54:24PM
18 MR. BAKER: Objection. 04:54:25PM
19 MS. GOODMAN: Let's mark this 04:54:27PM
20 as the next exhibit. 04:54:30PM
21 (Exhibit 1318, screen shot of 04:54:30PM
22 an item from WAYMO-UBER 26477, was marked 04:54:30PM
23 for identification, as of this date.) 04:54:55PM
24 Q. This is another screen shot of 04:54:55PM
25 an item from WAYMO-UBER 26477 and this 04:54:57PM

1 and enter HTTPS colon, slash slash 05:57:51PM
2 yakshaves dot com slash SVN slash 05:58:06PM
3 Chauffeur-SVN. 05:58:13PM
4 Do you see that? 05:58:15PM
5 A. I do. 05:58:17PM
6 Q. Have you tried to access the 05:58:24PM
7 Subversion website yourself to see how it 05:58:27PM
8 works? 05:58:30PM
9 A. I have not, as I don't have a 05:58:31PM
10 business need to access those files. 05:58:33PM
11 Q. Would it have been important 05:58:49PM
12 for you to know how it works in offering 05:58:50PM
13 your opinions? 05:58:53PM
14 A. From -- I asked the 05:58:57PM
15 administrator my burning questions about 05:59:07PM
16 it, but as I said before, I had no 05:59:09PM
17 business need to touch those files and 05:59:13PM
18 would rather not play with live high value 05:59:16PM
19 data and get it onto my workstation. 05:59:20PM
20 That kind of speaks to what I 05:59:26PM
21 mentioned before, data access policies. 05:59:29PM
22 Q. Do you know what happens when 05:59:38PM
23 you follow this instruction in No. 3? 05:59:40PM
24 A. I would imagine it connects you 05:59:56PM
25 to the SVN. 05:59:58PM

1 Q. What does SVN check out to? 06:00:03PM
2 A. Presumably downloads what has 06:00:13PM
3 been selected for check-out. 06:00:16PM
4 Q. Here what they give is the full 06:00:18PM
5 directory, right? 06:00:21PM
6 A. That seems plausible. 06:00:30PM
7 Q. So the instructions here say 06:00:32PM
8 SVN check-out and then you enter the full 06:00:34PM
9 directory, yakshaves dot com SVN Chauffeur 06:00:37PM
10 SVN? 06:00:44PM
11 A. I inquired about this yesterday 06:00:47PM
12 and what I was told is that you choose 06:00:48PM
13 what projects to, I think Jack used the 06:01:01PM
14 term, subscribe to, and then I asked if 06:01:08PM
15 you could accidentally just download the 06:01:14PM
16 whole thing and he replied unlikely. 06:01:18PM
17 Q. These instructions don't tell 06:01:26PM
18 you to identify particular directories, 06:01:28PM
19 right? 06:01:29PM
20 A. They don't appear to, no. 06:01:30PM
21 Q. And Mr. Brown was not the 06:01:31PM
22 administrator when Anthony Levandowski 06:01:33PM
23 worked on Project Chauffeur, right? 06:01:35PM
24 A. I believe that is accurate. 06:01:38PM
25 Q. Does he -- did Mr. Brown say 06:01:39PM

1 he had any conversation with Mr. Zbrozek 06:01:42PM
2 about any particularized instructions that 06:01:45PM
3 he might be giving? 06:01:48PM
4 A. That did not come up. 06:01:51PM
5 Q. What was his last name, Jack? 06:01:53PM
6 A. Brown, like me. 06:01:57PM
7 Q. That's what's confusing, you're 06:01:59PM
8 Mr. Brown. 06:02:01PM
9 Did Mr. Jack Brown tell you he 06:02:02PM
10 had ever talked to Anthony Levandowski 06:02:05PM
11 about how to use the Chauffeur SVN system? 06:02:06PM
12 A. That did not come up. 06:02:11PM
13 Q. Did you ask him? 06:02:12PM
14 A. No. 06:02:15PM
15 Q. Did you ever talk to 06:02:16PM
16 Mr. Zbrozek about conversations he might 06:02:19PM
17 have had with Mr. Levandowski about how to 06:02:21PM
18 use the SVN? 06:02:23PM
19 A. No. 06:02:23PM
20 Q. We can go back to Exhibit 1312, 06:02:26PM
21 who is Kiddi, K-I-D-D-I? 06:02:36PM
22 A. Kristinn Gudjonsson. 06:02:39PM
23 Q. Who is some guy I know? 06:02:43PM
24 A. (Indicating.) 06:02:45PM
25 Q. Why did you pick that name? 06:02:46PM

C E R T I F I C A T I O N

I, Jineen Pavesi, a Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter and a Notary Public, do hereby certify that the foregoing witness, GARY BROWN, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is written in a cursive, flowing style.

JINEEN PAVESI, RPR, RMR, CRR